

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

IN RE SEARCHES OF:

CASE NOS. 09-M-472, 09-M-473

**Information association with email accounts
that is stored at premises owned, maintained,
controlled, or operated by Yahoo, Inc. a
company headquartered in Sunnyvale,
California;**

AFFIDAVIT IN SUPPORT OF MOTION TO SEAL

I, Erica N. O'Neil, being first duly sworn on oath, hereby state as follows:

1. I am an Assistant United States Attorney in the Eastern District of Wisconsin, and one of the prosecutors assigned to the above-captioned case.

2. On August 17, 2009, Magistrate Judge William E. Callahan, Jr. issued search warrants in Case Nos. 09-M-472 and 09-M-473 for the above-listed information. These warrants were issued based on the applications of Federal Bureau of Investigation Special Agent Gerald Shinneman and included the affidavits of Special Agent Shinneman.

3. These search warrants were served on Yahoo during the week of August 10, 2009. At the time the warrants were executed, the agents served a copy of the warrant, but did not leave a copy of the application for the warrant or the supporting affidavit.

4. The warrants were returned to Magistrate Judge Callahan on October 2, 2009. They were docketed and placed on ECF on October 28, 2009. Due to a miscommunication between Agent Shinneman and myself, the prepared sealing documents were not tendered to Judge Callahan at the time of the returns.

5. The affidavits of Special Agent Shinneman submitted in support of these

applications detail the federal government's ongoing investigation into alleged violations of federal law in this district. This investigation is continuing at the present time and disclosure of the information set forth in Special Agent Shinneman's affidavits could compromise the effectiveness of this continuing investigation.

6. This investigation involves a possible conspiracy to violate U.S. export control laws. The conspiracy has been ongoing for several years and involves the continued export of munitions list items to Venezuela, in violation of U.S. law. Based on the investigation to date, it appears that the targets are involved in an \$800,000 contract with the Venezuelan Air Force to update the Operational Flight Plans on the Venezuelan Air Force's fleet of F-16 fighter jets, in violation of current U.S. restrictions on dealing with the Venezuelan military.

7. The investigation to date has included the use of confidential informants, covert searches, grand jury subpoenas and surveillance. However, this investigation is not complete. As a result, I believe that prematurely disclosing the details of this investigation could impact the targets' current and future activities and thwart the goals of this investigation.

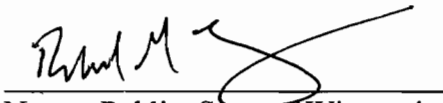
8. Based on the foregoing, the United States respectfully requests that the Court seal the applications for search warrants, including the supporting affidavits of Special Agent Shinneman, as well as this affidavit, for a period of 30 days to allow the government to complete its investigation, and to afford protection to individuals who have provided information to law enforcement authorities until any appropriate criminal charges can be brought against the target of this investigation.

9. The government requests the time period of 30 days because this case entails a ongoing scheme to violate U.S. export control laws. Based on the investigation to date, it appears

that this scheme has been continuing for at least three years. In order to determine what, if any, charges are appropriate, the Federal Bureau of Investigation will need to review almost several thousand emails and conduct a joint investigation with two other judicial districts. Thus, the 30 day time period is requested to allow time for the investigation to be completed and charging decisions to be made.


ERICA N. O'NEIL

Subscribed and sworn to me this
4th day of November, 2009.



Notary Public, State of Wisconsin
My commission is permanent.